

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

APRIL ANN HARVEY, bnf Ramsey)	
Robert Harvey, et al,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:07-cv-22
)	(Phillips/Guyton)
CAMPBELL COUNTY, TN, et al,)	
)	
Defendants.)	

RENEWED MOTION TO DISMISS

Comes Defendant Richard Lowe, by and through a limited and/or special appearance of counsel, and moves the Court to dismiss this action without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure which rule requires that service of process must be made upon a defendant within 120 days after the filing of the complaint. Process was originally issued for this defendant in December of 2006. An alias summons was issued for this defendant on January 22, 2007. A scheduling conference was held on October 25, 2007, at which time the Court ordered that the Plaintiff be given an additional thirty days to properly serve Defendant Lowe. The Court also at that time orally denied, with leave to renew, Defendant Lowe's Motion to Dismiss. The deadline to serve Defendant Lowe was accordingly November 24, 2007. On November 26, 2007, Plaintiff had a Summons issued from this court for Defendant Lowe. To date no service has been obtained upon this defendant. The 120-day period having accordingly expired, and the Court's deadline having also expired, this defendant moves for the entry of an order dismissing him from this action.

Respectfully submitted this 11th day of December, 2007.

/s/E. Jerome Melson

E. Jerome Melson # 013340
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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2007, a copy of the foregoing **Renewed Motion to Dismiss** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/E. Jerome Melson

E. Jerome Melson
TN BPR # 013340

EJM/Lowe - Harvey vs 5711\P Renewed Motion to dismiss